

SECTION 14. This act becomes effective July 1, 2007.

In the General Assembly read three times and ratified this the 2nd day of August, 2007.

Became law upon approval of the Governor at 11:00 a.m. on the 23rd day of August, 2007.

Session Law 2007-432

House Bill 671

AN ACT TO CHANGE THE PROCEDURE BY WHICH A MEMBER OF THE GENERAL ASSEMBLY OR ANY OTHER STATE, COUNTY, OR MUNICIPAL OFFICIAL MAY OBTAIN A LEAVE OF ABSENCE WHEN THE MEMBER OR OFFICIAL IS CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD; AND TO CHANGE THE PROCEDURES BY WHICH TEMPORARY OFFICIALS ARE APPOINTED TO REPLACE MEMBERS OF THE GENERAL ASSEMBLY CALLED TO ACTIVE DUTY IN THE ARMED FORCES OR NATIONAL GUARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 128-39 reads as rewritten:

"§ 128-39. Leaves of absence for State ~~officials.~~officials for protracted illness or other reason.

Any elective or appointive State official may obtain leave of absence from ~~his duties for military or naval service, protracted illness,~~the official's duties for protracted illness or other reason satisfactory to the Governor, for such period as the Governor may designate. ~~Such~~The leave shall be obtained only upon application by the official and with the consent of the Governor. The official shall receive no salary during the period of leave unless the leave of absence is granted by reason of protracted illness, in which event the granting of a leave of absence shall not ~~operate to deprive any such~~deprive the official of the benefits of cumulative sick leave to which ~~he~~the official may be entitled under rules and regulations adopted pursuant to G.S. 143-37 or to which he may otherwise be entitled by law. The period of leave may be extended upon application to and with the approval of the Governor if the reason for the original leave still exists, and it may be shortened if the ~~said~~reason shall unexpectedly terminate: Provided, that no leave or extension thereof shall operate to extend the term of office of any official beyond the period for which ~~he~~the official was elected or appointed. If, by reason of the length of the period of absence or the nature of the duties of the official, the Governor deems it necessary, the Governor may appoint any citizen of the State, without regard to residence or district, as ~~acting official or substitute~~a temporary replacement for the period of the official's leave of ~~absence, such appointee to~~absence. This appointee shall have all the authority, duties, perquisites, and emoluments of his principal; the official temporarily replaced. The appointee shall possess all the qualifications required by law for holding the office for which the temporary replacement official is appointed."

SECTION 2. Chapter 128 of the General Statutes is amended by adding a new section to read:

"§ 128-39A. Leaves of absence for State officials for military or naval service.

(a) Any elective or appointive State official may obtain leave of absence from the official's duties when the official enters active duty in the armed forces of the United States or the North Carolina National Guard as a result of being voluntarily or involuntarily activated, drafted, or otherwise called to duty. The official shall receive no